REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections of the Examiner and to otherwise place the application in condition for allowance at the present time.

The Examiner has rejected the specification on two bases. First, the Examiner has indicated that the abstract is greater than 150 words. Applicant has amended the abstract so that it is less than 150 words long. Accordingly, any issue relative to the abstract has been corrected. Second, the Examiner has indicated that "stabilising" is spelled incorrectly. Applicant submits that "stabilising" is an alternate spelling for "stabilizing." See, www.dictionary.com listing for "stabilising." Accordingly, Applicant submits that correction is not required.

The Examiner has rejected claim 8 under 35 U.S.C. §112, first paragraph, based on the contention that there is no enablement for the locking of the platform to the carriage. Applicant respectfully traverses the Examiner's rejection. Applicant submits that one of skill in the art would easily understand the locking of the lifting platform to the supporting carriage. As set forth in the specification, at page 13, line 1, locking of the lifting platform to the supporting carriage is done so that it can no longer oscillate freely in the ropes. Mechanical or electromagnetic locks are well known in the art. As such, Applicant submits that the rejection should be withdrawn. However, if the Examiner requires, documents referencing the state of the art of such locks can be provide.

The Examiner has rejected claims 1, 2 and 4-7 based on the contention that they are unpatentable over U.S. Pat. No. 4,761,112 issued to Hammon et al in view of U.S. Pat. No. 3,786,942 issued to Dane Jr. The Examiner has further rejected claim 3 under 35 U.S.C. §103 based on the contention that it is obvious over the '112 patent in view of the '942 patent in

further view of U.S. Pat. No. 5,356,214 issued to Styles. Applicant traverses the Examiner's rejection.

Specifically, the '112 patent is directed to a device for mounting of remote control apparatuses to be used, for example, in hot cells of nuclear plants. The '112 patent does not, as specifically identified by the Examiner, deal with a storage and retrieval unit. Indeed, the field of storage and retrieval units is far removed from the mounting device disclosed in the '112 patent. As such, Applicant submits that one of skill in the art would not have looked to, or applied the, teachings of the '112 patent to the present invention.

Even if the teachings of the '112 patent were applied, the '112 patent does not disclose, among other features, the following features:

a. a lifting platform intended for receiving storage items as set forth in element b of claim 1;

b. the use of an own drive of a stabilising carriage. The '112 patent uses a guided traveling carriage which "can be stopped" (Col. 3, line 50) or "braked" (Col. 3, line 61);

c. The crane carriage 3 and the guided traveling carriage 7 disclosed in the '112 patent are running on the same crane bridge 8. As such, there is, at best, a marginal vertical distance between carriages 3 and 7, which is unlike that which is claimed in claim 1;

d. a rigid connecting structure. The axis 5 of the '112 patent is stabilised by telescopic arms 6 together with carriage 7. Telescopic arms 6, however, are not substantially rigid structures as claimed in feature eb of claim 1. Instead, the telescopic arms 6 are variable in length; or

e. a control system changing the horizontal distance between the lifting platform and the stabilising carriage by corresponding movement of the stabilising carriage as is specifically claimed in feature ec of claim 1.

To properly set forth the rejection under '103, the '942 patent must shown each of the foregoing features that are not disclosed or suggested in the '112 patent. This is not the case. In particular, the '942 patent discloses a dry sail marina for storing boats out of the water. At both sides of an aisle 5, there are a plurality of horizontal tracks 16 side by side and one upon the other. Tracks 16 might be considered to comprise the rack compartments 2 of the present invention. An overhead traveling crane 100 which spans aisle 5, bearing a track assembly 70 which is suspended by ropes 84a, 84b, 85a, 85b in a vertically changeable way on crane 100. Track assembly 70 is capable of carrying a boat car, which moves a boat hanging in web straps 27 to the track 16 of destination or back to the water.

To be sure, the disclosure of the '942 patent is completely void of any stabilising carriage or the like. As such, at least features d, e, ea, eb and ec are not disclosed or suggested by the '942 patent. Accordingly, the combination of the '112 and the '942 patents does not suggest, much less disclose, the invention as claimed in claim 1. As such, claim 1 should be deemed allowable over the combination of the '112 patent and the '942 patent.

The Examiner has likewise rejected claims 1 and 8 under 35 U.S.C. §103 based on the contention that they are unpatentable over alleged admitted prior art in view of the '112 patent. As set forth in the specification, the prior art teaches a storage and retrieval unit having the features a through d of claim 1. This is set forth in the first page of the specification.

Contrary to the Examiner's statements, nowhere does Applicant state that the admitted

prior art includes: (a) a locking means for holding that platform to a removable support carriage; (b) at least two traction devices for holding cable; and/or (c) controls for moving that lifting device.

Moreover, unlike that which the Examiner states, the '112 patent does not teach (a) a stabilising carriage which is movable by means of its own drive as set forth in element ea of Claim 1; (b) a rigid connecting structure as set forth in element eb of claim 1 (the telescopic arms are not a rigid connecting structure); and a control system which changes the horizontal distance... by corresponding movement of the stabilising carriage as set forth in element ec of claim 1. Accordingly, the combination set forth by the Examiner does not suggest the invention as set forth in either claim 1 or claim 8. As such, Applicant submits that claim 1 and claim 8 should be deemed patentable over the cited prior art.

In light of the foregoing, Applicant submits that claim 1 should be deemed allowable. Inasmuch as the remaining claims depend from claim 1, ultimately (i.e., including, for example claim 3), these claims should likewise be deemed allowable at the present time. Reconsideration is therefore respectfully solicited.

Should anything further be required, a telephone call to the undersigned is respectfully solicited.

Respectfully submitted,

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Jovan N. Jovanovic
Reg. No. 40,039

THE WATSON IP GROUP, PLC
3133 Highland Drive, Suite 200
Hudsonville, Michigan 49426
Telephone (616) 855-1521
Facsimile (866) 369-7391